

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW TRAVIS HOUSTON,

Plaintiff,

v.

ENCORE EVENT TECHNOLOGIES,
et al.,

Defendants.

Case No. 2:22-cv-02168-ART-EJY

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE

Before the Court are two reports and recommendations (“R&Rs”) by Magistrate Judge Elayna J. Youchah recommending dismissal of this case. (ECF Nos. 6, 16.) Mr. Houston has filed objections to those R&Rs and several related motions. The Court has reviewed Mr. Houston’s objections and dismisses his complaint with prejudice.

When a party objects to a magistrate judge’s report and recommendation on a dispositive issue like dismissal, the district court must conduct a *de novo* review of the challenged findings and recommendations. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(B); Local Rule IB 3-2(b) (requiring a district judge to review *de novo* only the portions of a report and recommendation addressing a case dispositive issue to which a party objects). The district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” “receive further evidence,” or “recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1).

Having reviewed Judge Youchah’s R&Rs, Mr. Houston’s complaint, and all objections, the Court concludes that the complaint should be dismissed with prejudice.

1 Judge Youchah has determined that Mr. Houston violated an injunction
2 placed on him in a previous case and recommends dismissal of his Complaint
3 with prejudice. (ECF Nos. 6, 16.) Though it is unclear that Mr. Houston violated
4 the injunction, the Court agrees that dismissal with prejudice is appropriate.

5 At the end of last year, in a separate case filed by Mr. Houston, District
6 Court Judge Jennifer A. Dorsey named Mr. Houston a vexatious litigant because
7 of the numerous identical complaints he has filed in Nevada courts. Judge
8 Dorsey issued an injunction barring Mr. Houston from filing any “new case” in
9 the District of Nevada with a complaint, petition, or other “case-initiation
10 document” that incorporates filings from his other, identical cases. *Houston v.*
11 *Encore Event Technologies*, Case No. 2:22-cv-01740-JAD-EJY, 2023 WL
12 7042573, at *4 (D. Nev. 2023).

13 This case does not technically violate Judge Dorsey’s injunction. While Mr.
14 Houston’s Complaint clearly incorporates filings from other cases, *compare id.* at
15 *2-3 *with* (ECF No. 1-1), it was filed before Judge Dorsey’s injunction took effect,
16 so it is not a “new case” subject to that order.

17 Regardless, dismissal of Mr. Houston’s Complaint is appropriate for the
18 reasons underlying Judge Dorsey’s decision. The Ninth Circuit holds that
19 dismissal for failure to comply with Rule 8 is proper where “the very prolixity of
20 the complaint [makes] it difficult to determine just what circumstances were
21 supposed to have given rise to the various causes of action.” *McHenry v.*
22 *Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996); *see also Nevijel v. North Coast Life*
23 *Insurance Co.*, 651 F.2d 671, 674 (9th Cir. 1981); *Schmidt v. Herrmann*, 614 F.2d
24 1221 (9th Cir. 1980). Rule 8(a) is “violated by a pleading that was needlessly
25 long, or a complaint that was highly repetitious, or confused, or consisted of
26 incomprehensible rambling.” *Cafasso, U.S. ex rel. v. General Dynamics C4*
27 *Systems, Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011) (quoting 5 Charles A. Wright
28 & Arthur R. Miller, *Federal Practice & Procedure* § 1217 (3d ed. 2010)).

1 Dismissal is appropriate under this standard. Much of Mr. Houston's
2 complaint is indecipherable. Mr. Houston does not identify a cause of action
3 either explicitly or implicitly; nor can the Court, even with a liberal eye, identify
4 one. Further, this is the same complaint Mr. Houston has filed in several other
5 actions. *See, e.g., Houston*, 2023 WL 7042573 at *2.

6 The abstruse nature of Mr. Houston's complaints and his unwillingness to
7 meaningfully alter them in his multiple other filings demonstrates that any
8 opportunity to amend would be futile.


9 For the reasons stated, the Court hereby denies Mr. Houston's motion for
10 leave to proceed *in forma pauperis* and dismisses his complaint with prejudice.
11 (ECF No. 1.)

12 It is further ordered that Judge Youchah's reports and recommendations
13 are accepted and adopted, to the extent that they do not conflict with this order.
14 (ECF Nos. 6, 15, 16.)

15 It is further ordered that all other motions and objections are dismissed as
16 moot or overruled.

17 The Clerk of Court is directed to enter judgment in accordance with this
18 order and close this case.

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20 Dated this 3rd day of April 2024.

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23 _____
24 ANNE R. TRAUM
25 UNITED STATES DISTRICT JUDGE
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